

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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KEVIN SCHEUNEMANN

Plaintiff,

v.

Case No. 2:09-cv-1134  
Chief Judge Charles N. Clevert, Jr.

ASSOCIATED CREDITORS  
EXCHANGE, INC., a/k/a ACE

Defendant.

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***FEDERAL RULES OF CIVIL PRACTICE 12 (c)***  
***MOTION FOR JUDGMENT ON THE PLEADINGS***

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Defendant Associated Creditors Exchange, Inc. by and through its attorneys Robert S. Phillips and Scott G. Thomas of Thomas & Associates move this Honorable Court for judgment on the pleadings in accordance with Rule 12 (c) of the Federal Rules of Civil Practice (FRCP). In support of said motion this defendant submits the following attached documentation:

1. Plaintiff has filed a five count complaint with the first two contending the defendant violated the Wisconsin Consumer Act (Count I) and the Fair Debt Collection Practices Act (Count II).

2. Counts III, IV and V are for negligent training, violation of the Wisconsin Deceptive Practices Act and intentional infliction of mental distress, respectively and are derivative of the first two counts.

3. Judgment on the pleadings should be granted as to Counts I and II inasmuch as neither the Wisconsin Consumer Act nor the Fair Debt Collection Practices Act are applicable to the debt which the defendant seeks to collect from the plaintiff.

4. Consequently, since Counts III, IV and V are contingent upon Counts I and/or II prevailing, a judgment on the pleadings should be granted as to these counts as well.

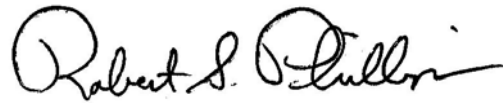
5. Attached hereto and made a part hereof are the following documents:

- a. A statement of material facts derived from the plaintiff's complaint;
- b. A memorandum of law;
- c. An affidavit from Matthew J. Berardi
- d. Movant's compliance with Civil Local Rule 12 with respect to a motion for judgment on the pleadings in *pro se* litigation.

WHEREFORE, defendant Associated Creditors Exchange, Inc. prays that the Court enter an order granting its motion for judgment on the pleadings with prejudice and at plaintiff's costs.

Dated this 6<sup>th</sup> day of April, 2010.

**THOMAS & ASSOCIATES**



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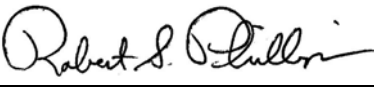
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***PROOF OF SERVICE***

I hereby certify that on April 7, 2010, I served  
an exact copy of the within document including  
all attachments on parties as indicated below by  
U.S. First Class Mail pursuant to Fed. R. Civ. P. 5.

By   
THOMAS & ASSOCIATES

TO: Kevin Scheunemann, pro se plaintiff